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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 21st February, 1986:—

I

BILL No. I OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. Short title.

2. In article 310 of the Constitution, clause (1) shall be omitted. Amendment of article 310.

3. In article 311 of the Constitution,— Amendment of article 311.

(i) the second proviso to clause (2) shall be omitted; and

(ii) clause (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The three provisions sought to be omitted had been bodily taken from the provisions made in the Queen Victoria's Proclamation of 1858 and the Government of India Act, 1935. These provisions affect the fundamental and democratic rights of the Central and State Government employees and workers, many of whom have already been arbitrarily removed from service under these undemocratic and anachronistic provisions. These provisions deprive the Government employees of protection in accordance with the principles of natural justice in as much as their services are placed at the mercy of the President or the Governor, as the case may be. In view of this position it is necessary that these provisions empowering the Government to dispense with the services of Government employees without giving them any opportunity of self-defence and without assigning any reason, should be deleted from the Constitution.

Hence, this Bill.

SUKOMAL SEN

II

BILL NO. II OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986. Short title.

2. In article 248 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:— Amendment of article 248.

"(*1*) The Legislature of any State has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or Union List".

3. In the Seventh Schedule to the Constitution,— Amendment of the Seventh Schedule.

(*i*) In List I—Union List, entry 97 shall be omitted; and

(*ii*) In List II—State List, after entry 66, the following entry shall be inserted, namely:—

"67. Any other matter not enumerated in List I or in List III including any tax not mentioned in either of those Lists."

STATEMENT OF OBJECTS AND REASONS

Through successive Constitutional amendments the Centre has assumed more powers leaving little scope for the States to manage their affairs. This has resulted in a State of tension in Centre-State relations and has affected the federal polity of our country. The transfer of residuary powers from the Centre to the States is, therefore, the need of the hour.

Hence, this Bill.

SUKOMAL SEN.

III

BILL No. VI OF 1986

A Bill to provide for the declaration and publication of assets and liabilities of Ministers and Members of Parliament and their family-members and for matters connected therewith.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be cal'ed the Declaration and Publication of Assets and Liabilities of Ministers and Members of Parliament Act, 1986. Short title and com-mence-ment.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Defini-tions.

(*a*) "assets", in relation to any person, mean —

(*i*) his right, title or interest in both movable and im-movab'e properties, whether as owner, mortgagor, lessor, lessee or otherwise;

(*ii*) his right, title or interest in any business, trade, or industrial or commercial venture, whether conducted with profit motive or not;

(*iii*) any sum of money, in excess of five thousand rupees kept in cash or in any other form;

(*iv*) any amount as bank balances including fixed deposits;

(*v*) any amount in shares, stocks, debentures and other securites;

(*vi*) motor vehicles, as defined in Motor Vehicles Act, 1939; 4 of 1939.

(*vii*) insurance policies;

(*viii*) jewellery excluding rings, ear rings, bangles, buttons, cuff-links, watches, straps and such other articles which the person normally wears;

(*b*) "family-member" in relation to a Minister or member means his or her—

(*i*) spouse (not being a judicially separated spouse);

(*ii*) minor children; and

(*iii*) any other person related to him or her, whether by blood or marriage and whether wholly dependent on him or her or not;

(*c*) "member" means a member of either House of Parliament;

(*d*) "Minister" means a member of the Council of Ministers of the Union;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "Presiding Officer" means—

(*i*) in relation to a member of the House of the People, past or present and a Minister who is not a member of either House of Parliament, Speaker of the House of the People; and

(*ii*) in relation to a member of the Council of States, its Chairman.

Ministers and Members to furnish statements of assets and liabilities.

3. (*1*) Every Minister and every member shall, within a period of three months from the date of commencement of this Act, furnish to the respective Presiding Officer a statement in the prescribed form declaring the particulars of all his assets and liabilities and that of his family-members as on such date.

(*2*) Every Minister and member who ceases to hold office as such Minister or member, as the case may be, shall also furnish a statement of assets and liabilities to the respective Presiding Officer in the form referred to in sub-section (*1*) within three months from ceasing to be a Minister or member as the case may be.

Annual Statement of acquisition and Disposals of assets.

4. Every Minister and member shall, throughout the term of his office, furnish on or before the thirtieth day of June every year to the respective Presiding Officers, a statement in the prescribed form declaring all the assets acquired or disposed of and liability incurred, by him or by any member of his family during the preceding financial year.

Explanation I.—If such a Minister or member or any member of his family has not acquired or disposed any asset or incurred any liability during a particular year, it shall still be obligatory for him to furnish a 'nil' statement under this section.

Explanation II.—For the purposes of this section the expression "acquired" in relation to any assets, shall mean their acquisition whether by purchase, gift, bequest, lease, exchange, mortgage, partition, family settlement, or otherwise.

Rectification of Statement.

5. Where any Minister or member who has furnished a statement under this Act, subsequently discovers any omission or mistake in such statement, he may furnish a statement to the Presiding Officer concerned giving the details of the corrections he desires to be made therein and published.

Publication of statements in the Gazette and laying them on the Table of each House.

6. (*1*) The Presiding Officer shall, as soon as may be, after the end of the period referred to in section 3, and every year after the end of the period referred to in section 4, cause to be published in the Official Gazette in the prescribed form all the statements furnished to him with the names of all such members from whom no such statements were received by him within the prescribed period and shall also cause such statements to be laid on the Table of the House.

(*2*) The Presiding Officer shall also publish in the Official Gazette every statement furnished to him under section 5, as soon as may be, after he receives the same and shall also cause it to be laid on the Table of the House.

(*3*) If the Presiding Officer receives any statement from any member after the expiration of the period prescribed in section 3 or section 4, he shall publish the same in the Official Gazette with a note to that effect and shall cause the same to be laid on the Table of the House.

Power to make rules.

7. The Central Goverment may, by notification in the Official Gazette, and in consultation with the Presiding Officers, make rules for giving effect to the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

For a healthy democracy clean and honest public life is a must. The representatives of the people shou'd be above suspicion. It is at the level of Ministers including the Prime Minister and Members of Parliament that corruption has to be first stamped out lock, stock and barrel. It must appear that the Ministers and the Members are functioning honestly and that they have not misused their positions. It is, therefore, proposed to make it mandatory for every Minister and Member of Parliament to furnish a statement of his assets and liabilities and that of his family members from time to time to the respective Presiding Officers who will cause the same to be published in the Official Gazette and laid on the Table of the House.

The Bill seeks to achieve the aforesaid objectives.

SATYA PRAKASH MALAVIYA